REMARKS/ARGUMENTS

The Final Office Action dated October 1, 2007 and the references cited therein have been carefully considered. In response to the Office Action, Applicant respectfully requests reconsideration of the Final Office Action. Applicant further respectfully traverses the rejection of Claims 1-10.

Request for Reconsideration of Final Office Action

In the Office Action, Claims 1-5 and 8, 9 and 10 have now been rejected under 35 U.S.C. §103(a) as being unpatentable over newly cited U.S. Patent Application Publication No. 2002/0146275 to Gerriet in view of previously cited U.S. Patent No. 4,484,830 to Anderson. Claims 5 and 7 have been rejected under 35 USC §103(a) as being unpatentable over the Gerriet publication in view of the Anderson patent and further in view of U.S. Patent No. 6,773,753 to Miller et al. and Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Anderson patent in view of U.S. Patent No. 2,570,323 to Condon et al.

Applicant first respectfully requests reconsideration of the Office Action being made final. The Examiner has raised a new ground of rejection and has cited a new reference, namely the Gerriet publication, for the first time. Applicant would like the opportunity to address the newly cited reference.

Claim Rejections – 35 USC § 102 and 103

The Examiner states that the Gerriet publication discloses a file including a front cover portion, a back cover portion, a spine and a plastic coupling means fixed to one of the cover portions. The Examiner further states that the coupling means includes a flange for receiving a planar base plate of an arch, and a recess for receiving an upwardly extending leg of the arch. The Examiner notes that the Gerriet publication does not disclose a coupling means being integrally molded with the cover. However, the Examiner concludes that, in

view of the Anderson patent, it would be obvious to integrally mold the coupling means with the cover.

Applicant respectfully traverses the rejection to the Claims. Independent Claims 1, 8 and 9 define a clamping means integrally molded on a plastic cover and an arch coupled to the clamping means. The clamping means includes a flange spaced from the cover with a recess formed in the flange. The arch includes a substantially planar base plate having an edge and at least one leg extending upwardly from the base plate, wherein the base plate edge is retained under the clamping means flange and the upwardly extending leg is received in the flange recess. It is respectfully submitted that none of the prior art references, taken alone or combined, discloses a cover coupling means or an arch having the structural features set forth in amended Claims 1, 8 and 9.

Instead, the Gerriet publication only discloses a paper board cover to which retaining means 14 are attached by rivets 17. The retaining means 14 includes clamps 26, under which a base 29 of a ring system 3 can be slid. Once the ring system 3 is slid in place, an overlay 22, in the shape of a flap, is folded in between legs 30 of the ring system 3 to immobilize the ring system. Thus, a user has to lift the clamping plate carried on the legs 30, fold down the flap and squeeze this in between the legs.

The first distinction that is immediately apparent is the fact that the retaining means disclosed in the Gerriet publication are not integrally molded with the covers, as defined in the claims. Therefore, the first disadvantage with the Gerriet device is the need for extra material.

In the present invention as claimed, it is clearly defined that the cover is made by injection molding from plastic, wherein the retaining means is integrated due to the injection molding. This means that the covers, spine, hinges and clamping means are integrally made, preventing assembly steps.

Secondly, the Gerriet publication does not disclose an upwardly extending leg of an arch being received in a recess formed in a flange of a clamping means. The Examiner identifies the notches 28 formed in the flap 22 as recesses that receive the rings 30 of the ring system. However, nowhere in the specification is it disclosed that such notches receive the

rings. Instead, the Gerriet publication merely describes folding over of the flap, once the ring system is in place, whereby the flap is trapped between the rings of the ring system to immobilize the ring system. Nowhere is it stated that the notches receive the rings. Indeed, the drawings would seem to indicate that the notches would fall between the rings when the flap is folded over.

As a result of the claimed features, the arch of the present invention can be "snap-fit" in place to the coupling means without having to fold over any part of the coupling means. In stark contrast, the Gerriet ring binder requires a folding over step to lock the coupling means in place. Therefore, the Gerriet publication clearly does not disclose this feature of the claims.

A third disadvantage of the Gerriet device is the height of the assembled clamping means in the file. First of all, the base plate 20 is positioned on the cover, and then the base 29 is positioned on top of the base plate 20, whereas the clamps are positioned on top of the base plate. Then the flap is folded over the clamps, adding a further material thickness. This means that paper retained in this file will lie on top of the flap, resulting in at least four layers of material above the cover.

In the present invention, the base of the clamp is positioned directly on the cover, whereas only the flange of the clamping means is positioned on top of said base. Compared to the Gerriet device, the claimed invention reduces the material height with only two material layers.

A further disadvantage of the Gerriet device is that when opening the ring system 3 the legs 30 can be forced apart, for example, when handling paper attached to or to be removed from the ring system. Separating the legs 30 will free the retaining flap, which in turn will be moved back to the position as shown in Figures 1 and 2 of the Gerriet publication. This will free the ring system 3, allowing it to slide out of the retainer again. In such position, it might even happen that the weight of the paper carried on the ring system will be such that the clamping flap is deformed and forced out of the way by the force of gravity working on the papers and ring system.

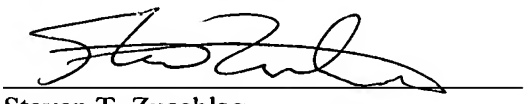
In the present invention, due to the clamping construction in which the retainers 22 and 20 are injection molded in the retaining position and can not be folded out of the way of the ring system, the claimed coupling means is far stronger than that disclosed in the Gerriet publication.

Accordingly, for all of the foregoing reasons, Applicant respectfully submits that Claims 1, 8 and 9, and the claims that depend therefrom, patentably distinguish over the cited references. Therefore, Applicant respectfully requests withdrawal of the final rejection.

Conclusion

In view of the foregoing remarks, favorable consideration and allowance of the application with Claims 1-10 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, please contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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